THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16034 OF 2005

23.02.2006

Between:

P.V.N.Rao, S/o.P.Anjaneya Chowdhary

… Petitioner

AND

The District Collector, Ranga Reddy District

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16034 OF 2005

ORDER:

The petitioner claims to be owner of land in survey No.80 of Hafeezpet village of Serilingampally Mandal in Ranga Reddy District. According to him, there is a overlapping of the land in survey No.80 and the land in survey Nos.86 and 87 of Kondapur village of Serilingampally Mandal in Ranga Reddy District, which has given rise to unnecessary and unavoidable boundary disputes. In the affidavit accompanying the writ petition, the petitioner also refers to the suit filed by the seventh respondent being O.S.No.1041 of 2003 on the file of the Court of the Principal Senior Civil Judge, Ranga Reddy District, N.T.R.Nagar, L.B.Nagar. It is further alleged that the seventh respondent has already approached the Mandal Revenue Officer (MRO), Serilingampally for resolving the boundary dispute, but the MRO or the Assistant Director of Survey & Land Records, Ranga Reddy District, the second respondent herein, has not taken any action in that regard. Therefore, the present writ petition is filed alleging that the seventh respondent is trying to make construction in the land comprised in survey Nos.86 and 87 of Kondapur village, which is in fact situated in survey No.80 of Hafeezpet village.

This Court while admitting the writ petition passed interim orders on 03.8.2005 in

W.P.M.P.No.21715 of 2005 directing the respondents 3 to 6 to ensure that no construction is allowed in the land in survey Nos.86 and 87 of Kondapur village. The seventh respondent has now filed W.V.M.P.No.2854 of 2005. Hence, the matter is heard finally and is being disposed of with the consent of the parties.

It is the case of the seventh respondent that he has sold away the land in survey No.86 under registered sale deed dated 29.8.1997 and also sold away the land in survey No.87 by a registered sale deed dated 29.8.1997 to two different persons and that he has no interest in the land. Be that as it is, after obtaining instructions from the MRO, the learned Assistant Government Pleader also submits that in the revenue records the land in survey No.86 is shown to be in the occupation of M/s.Chintala Pochaiah, Mallesh and Balaiah and the land in survey No.87 is shown to be in possession of M/s.M.Yadaiah and Raju. He, however, does not dispute that the seventh respondent has already sold away the land to third parties, who are not before this Court.

The question involved in this writ petition is whether there is overlapping with regard to the land in survey No.80 of Hafeezpet village on one hand and the land in survey Nos.86 and 87 of Kondapur village. Such dispute can only be resolved by proper survey by the MRO, Mandal Surveyor and/or the Assistant Director, Survey & Land Records. To seek such survey, a person is required to file an application under Section 10 of the A.P. Survey and Boundaries Act, 1923. The petitioner has not approached the MRO or the second respondent by such application. He is, therefore, given liberty to do so. As and when such application is filed with all necessary documentary proof, the MRO or the second respondent would take appropriate action for surveying the land and resolving the boundary dispute, after giving notice to all the owners of the lands in the vicinity. The petitioner approached this Court by filing the writ petition on 21.7.2005. Even by August 1997, the seventh respondent sold away the land in survey Nos.86 and 87 to two different persons and therefore, the seventh respondent is not necessary party to this writ petition.

The writ petition, with the above observations, is accordingly dismissed with costs to the seventh respondent quantified at Rs.2,000/- (Rupees Two thousand only).

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(**V.V.S.RAO, J**)

February 23, 2006

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